

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT CHILDRESS,

Plaintiff,

v.

SPECIAL AGENT WOOD,
UNITED STATES SECRET SERVICE,

Defendant.

Case No. 10-14711

Paul D. Borman
United States District Judge

Charles E. Binder
United States Magistrate Judge

ORDER GRANTING PLAINTIFF'S MOTION TO RECONSIDER

Before the Court is the letter of Plaintiff Robert Childress, filed March 28, 2011 (Dkt. No. 11). The letter states in pertinent part as follows:

On March the 14, 2011, [the Court] adopted the Magistrate's Report and Recommendation and dismissed my complaint. I never received that report and a fair opportunity to respond to it. Please reconsider your decision in this matter and allow me the opportunity to respond.

(Letter at 1).

The Court notes that Plaintiff's address changed shortly after the Report and Recommendation was filed. (Dkt. No.8). The proof of service on the Report and Recommendation indicates that it was mailed to Plaintiff at: Robert Lee Childress, Jr., #365065, Ryan Correctional Facility, 17600 Ryan Rd., Detroit, MI, 48212-1155 on January 11, 2011. However, on February 17, 2011, Plaintiff sent a letter to the Court indicating that his address had changed to: Mound Correctional Facility, 17601 Mound Road, Detroit, MI 48212.

Plaintiff's letter is construed as a Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 60(b). Because plaintiff did not receive the Report and Recommendation, the Court will GRANT Plaintiff's Motion and permit Plaintiff to file objections to the Report and Recommendation within 30 days from the date of this Order. The Court will enclose a copy of the Report and Recommendation with this Order.

SO ORDERED.

S/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: April 4, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means and

Robert Childress
365065
MOUND CORRECTIONAL FACILITY
17601 MOUND ROAD
DETROIT, MI 48212

by U.S. Mail on April 4, 2011.

S/Denise Goodine

Case Manager